

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

**Master File No. 1:00 - 1898
MDL 1358 (SAS)
M21-88**

Civil Action

This Document Relates To:

*Commonwealth of Puerto Rico, et al. v.
Shell Oil Co., et al.*, No. 07 Civ. 10470

**PLAINTIFFS' OBJECTIONS TO THE DECLARATION OF LUIS R. VAZQUEZ, IN
SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION TO DISMISS BY
DEFENDANT PEERLESS OIL & CHEMICALS, INC.**

Plaintiffs Commonwealth of Puerto Rico and Commonwealth of Puerto Rico through the Environmental Quality Board make the following objections to the Declaration of Luis R. Vazquez filed in support of the motion to dismiss by Peerless Oil & Chemicals, Inc.

1. Plaintiffs object to each and every paragraph and statement in the Vazquez Declaration as irrelevant. As stated in plaintiffs' opposition to this motion, Peerless has not met the foundational requirement of showing that the basis of its claimed statute of limitations defense is found on the face of the Third Amended Complaint (TAC). In the absence of that showing, each paragraph and statement in the Declaration is irrelevant under Federal Rules of Evidence, sections 401-402, because Peerless cannot press a statute of limitations defense in a FRCP 12(b)(6) motion.

2. Plaintiffs object to Declaration paragraph 9, the phrase "openly engaged," as vague, ambiguous and argumentative, therefore improper matter in a declaration.

Dated this 28th day of May, 2013.

Respectfully submitted,



Daniel Boone
Miller, Axline & Sawyer
1050 Fulton Avenue, Suite 100
Sacramento, California 95825

PROOF OF SERVICE VIA LEXISNEXIS FILE & SERVE

Commonwealth of Puerto Rico, et al. v. Shell Oil Co., et al., United States District Court,
Southern District of New York Case No. No. 07 Civ. 10470 (SAS)

I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

On the date below, I served the following document on all counsel in this action electronically through LexisNexis File & Serve:

**PLAINTIFFS' OBJECTIONS TO THE DECLARATION OF LUIS R. VAZQUEZ, IN
SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION TO DISMISS
BY DEFENDANTS PEERLESS OIL & CHEMICALS, INC.**

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on May 28, 2013, at Sacramento, California.


KATHY HERRON